

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue  
Implementation and Administration of  
California Renewables Portfolio Standard  
Program

Rulemaking 08-08-009  
(Filed August 21, 2008)

**REVISED  
RENEWABLE PORTFOLIO STANDARD COMPLIANCE REPORT  
SUBMITTED BY  
BEAR VALLEY ELECTRIC SERVICE,  
A DIVISION OF GOLDEN STATE WATER COMPANY (U 913 E)**

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(U 913-E)

April 27, 2009

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**I. INTRODUCTION**

Golden State Water Company (GSWC), through its Bear Valley Electric Service division (BVES), hereby submits to the Energy Division this revised March 2009 Semi-Annual Compliance Report (Compliance Report) by April 27, 2009, as requested by Julie A. Fitch, Director, Energy Division in an April 10, 2009 letter to Keith Switzer, Vice President of Regulatory Affairs, GSWC.

**II. REVISED RENEWABLE COMPLIANCE FILING**

This filing includes the following: a revised March 2009 Semi-Annual Renewable Portfolio Standard (RPS) Compliance Report showing the amount of electricity BVES can defer without explanation (the “default” version) and the previously submitted March 13, 2009 Report showing an amount in excess of 25% of the prior year’s IPT. BVES wishes to defer all of its 2008 APT. Reasons for the deferral and request of waiver of any penalties are discussed below. The revised Compliance Report corrects an error in cell 128.

The generation shown on the report is a fair estimate, but only an estimate, of the resources BVES may be able to procure by 2009 and going forward.

The renewable resources BVES identifies in this revised Compliance Report represent the best assessment of BVES at this time. The factors weighed in the assessment are subject to significant change over time. Related developments may affect the assessment BVES has made in preparing the Compliance Report as well.

The revised report reflects the “default condition” permitting procurement deficits less than or equal to 25% of a year’s IPT without Commission approval. D.06-10-050, Attachment A (RPS Flexible Compliance Rules), Section IV, (A)(2). The originally submitted Compliance Report indicates deferrals of shortfalls in excess of 25% of IPT under the flexible compliance rules.

### **III. ANY APPARENT PENALTY IS CONTESTED**

BVES submits its revised and original Compliance Report and this revised supplemental report for informational purposes only, with explanatory comments that demonstrate good cause for deferral of the RPS requirements in the interest of its ratepayers, and the waiver of any apparent penalties.

In the *Administrative Law Judge’s Rule Granting Motion of Mountain Utilities for Reconsideration and Modification of March 12, 2007 Ruling on Reporting Format* in this proceeding (hereinafter MU Ruling), ALJ Mattson observed there that D.06-10-050 adopts a reporting methodology that applies to all LSEs.

“Whether or not a reporting LSE states a penalty on a particular report, stating the penalty:

‘does not make the penalty due and payable. Rather, parties are correct that the LSE may identify one of the four conditions which permit deferral or temporary waiver. (D.03-07-071, pp. 50-51). Alternatively, the LSE may seek to demonstrate lack of effective competition, that deferral promotes ratepayer or program interests, or other good cause. (D.03-06-071, p. 53, D.03-12-065, p. 8)’  
(D.06-10-050, pp. 36-37.)

“A penalty is due and payable with any particular report only if the LSE does not contest the penalty. If contested, the penalty is due only after later agreement by the LSE, or a later final determination by the Commission.” (pp. 3-4.)

Accordingly, BVES contests the apparent penalties shown on the original and revised Compliance Reports, such that they are not due and payable; furthermore, BVES requests that any penalties be waived and eliminated.

#### **IV. GOOD CAUSE EXISTS FOR DEFERRAL OF THE RPS REQUIREMENT**

Similar to BVES’ past requests for proposals (RFPs) for renewable resources, the number of responses to its 2008 RFP was disappointing. There were only two responses. The two responses from the 2008 RFP are still being reviewed but, as proposed, appear to be either too expensive or not a good fit for the BVES portfolio. Additional opportunities to act upon short term renewable contracts were stymied due to a lack of clarity in the Commission’s stance on tradable renewable energy credits (TREC’s) as well the overall timeframe involved in the CPUC approval process. Unlike BVES, market participants not under the Commission’s jurisdiction can act quickly to seize renewable resource contract opportunities. Owners of renewable generation or unregulated marketers can close a renewable transaction with unregulated entities in short order, without the possibility of disapproval by this Commission, or the risks of time and money spent in the approval process. BVES respects the processes prescribed by the Commission, but those very processes can be regarded by developers as impediments. Furthermore, the small size of BVES makes it less attractive to producers and developers of renewable energy projects. A project becomes more competitively priced when there are economies of scale; the renewable resources needed by BVES do not allow for scale economies. BVES believes the small amount of renewable energy needed for RPS compliance, compared to the three large electrical corporations, restricts the number and type of projects with which it is presented.

It is equally clear that public goods funds are inadequate to cover the above-market costs BVES has seen in the proposals submitted to it over the last two rounds of RFPs. The provisions of Resolution E-4199 show inadequate funds for BVES. There is

little reason for confidence given the rigid and somewhat confusing rules outlined in the Resolution. The ratepayers have every reason to be concerned with this program, and the Commission should too.

The international financial crisis has also adversely affected renewable resource developers, drying up sources of credit and investment. In fact one of the candidate developers of a project presented to BVES was completely stalled for the greater part of the last twelve months due to the financial crisis, which hit its parent company early.

Deferral of the RPS requirements will promote the interests of the BVES ratepayers as well as help meet RPS goals when the field of renewable suppliers broadens and deepens, with improved and less expensive technology.

## **V. CONCLUSION**

Finally, as stated initially, BVES contests any apparent penalty and requests a prompt and complete deferral and waiver.

Dated: April 27, 2009

Respectfully submitted,

By /s/ Dennis W. De Cuir

Dennis W. De Cuir

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CERTIFICATE OF SERVICE

I, Denise E. Lynch certify:

I am employed in the City of Roseville, County of Placer, California, am over eighteen years of age and am not a party to the within entitled cause. My business address is 2999 Douglas Boulevard, Suite 325, Roseville, California 95661.

On April 27, 2009, I caused the following to be served:

**REVISED  
RENEWABLE PORTFOLIO STANDARD COMPLIANCE REPORT  
SUBMITTED BY  
BEAR VALLEY ELECTRIC SERVICE,  
A DIVISION OF GOLDEN STATE WATER COMPANY (U 913 E)  
INCLUDING THE  
MARCH 2009 SEMI-ANNUAL (DEFAULT) COMPLIANCE REPORT  
PURSUANT TO THE CALIFORNIA RENEWABLES  
PORTFOLIO STANDARD  
AND THE PREVIOUSLY SUBMITTED  
MARCH 2009 SEMI-ANNUAL COMPLIANCE REPORT  
PURSUANT TO THE CALIFORNIA RENEWABLES  
PORTFOLIO STANDARD**

via electronic mail to all parties on the service list in R.08-08-009 who have provided the commission with an electronic mail address, and by First Class mail on ALJ Anne E. Simon, ALJ Burton Mattson and those persons on the service list who have not provided an electronic mail address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on the date above at Roseville, California.

/s/ Denise E. Lynch

Denise E. Lynch

VIA FIRST CLASS MAIL

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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue  
Implementation and Administration of California  
Renewables Portfolio Standard Program.

Rulemaking 08-08-009  
(Filed August 21, 2008)

**Bear Valley Electric Service U-913-E**

**MARCH 2009 SEMI-ANNUAL (DEFAULT) COMPLIANCE  
REPORT PURSUANT TO THE CALIFORNIA RENEWABLES  
PORTFOLIO STANDARD**

Revised 27-Apr-09

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## CALIFORNIA'S RENEWABLES PORTFOLIO STANDARD

### Reporting and Compliance Worksheet Instructions

1. California's RPS Program requires Investor Owned Utilities (IOU), Multi-Jurisdictional Utilities (MJU), Electric Service Providers (ESP), and Community Choice Aggregators (CCAs) to file a minimum of two reports each year illustrating performance within the program. Parties may refer to the November 20, 2008 Assigned Commissioner Ruling Addressing Process Issues Relative to RPS Compliance Reports for more information.
  - > The March 1 report (with updates after the California Energy Commission (CEC) verifies procurement, as needed) is used by the Commission to determine compliance for the prior year(s). This report states historic performance in the RPS program, current year targets and procurement data, and forecasts targets and procurement data for at least three years (Decision (D.) 06-10-050, page 45, 49).
  - > The August 1 report states historic performance in the RPS program, current year targets and procurement data, and forecasts targets and procurement levels for each year forward through 2020 (D.06-10-050, page 45, 51). The August report may be used by the Commission to make a final determination of compliance for the prior year(s).
2. Any load serving entity (LSE) seeking confidentiality protection should file a declaration. Confidentiality requests shall comply with the substantive and procedural rules set forth in D.06-06-066, as modified by D.08-04-023, the Commission's decision in its Confidentiality proceeding, Rulemaking (R.) 05-06-040, and any subsequent decisions issued in the same or successor proceeding. A declaration for confidentiality should include the identification of all redacted information by tab name and cell reference, not to be confused with the line numbers provided in the Accounting tab.
3. RPS compliance reports will be submitted to the Commission as specified below:
  - > Serve a public version on the service list in proceeding R.08-08-009. All pages must be legible. LSEs are responsible for maintaining confidentiality when serving a redacted report.
  - > File a confidential version with the Energy Division by e-mailing an electronic version to [ab1@cpuc.ca.gov](mailto:ab1@cpuc.ca.gov) and [svn@cpuc.ca.gov](mailto:svn@cpuc.ca.gov)
  - > Send paper copies (confidential and public) to each of the assigned Administrative Law Judges (ALJs):
 

Burton W. Mattson and Anne E. Simon  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102
4. Any questions regarding the completion and/or filing of this report can be directed to:  
Amy Baker, Energy Division, California Public Utilities Commission: [ab1@cpuc.ca.gov](mailto:ab1@cpuc.ca.gov), (415) 703-1691
5. Include the Title Page and fill out the following information:
  - > Name of the LSE filing the Report
  - > Date the Report is being filed
  - > Contact information
6. Complete the Officer Verification Form in the format provided (Rule 1.11)
7. Yellow cells throughout the spreadsheet indicate user supplied data by the LSE where and when applicable.
8. All data must be entered in MWh out to three decimal points to accurately account for retail sales, procurement and targets. The spreadsheet will display MWh throughout. Do not round any reporting data, as this may trigger some cells to turn red.
9. The spreadsheet included in this report has locked cells to ensure that targets, procurement and penalties are accurately calculated and reported from the data provided by the user. An unprotected version of the spreadsheet is also available by request.
10. Line #'s in the "Accounting" tab hyperlink to the "Calculations" tab, which provides additional information on the particular line item or section of the "Accounting" tab.

#### SUMMARY TAB

11. The "Summary" tab is linked to the "Accounting" tab and "Procurement Detail" tab, no data entry is required.
12. If the LSE determines that additional information is required in order to present a full and complete report, mark the box provided on the "Summary" tab. Any additional information should support the LSE's claim within the guidelines of the eight allowable reasons for noncompliance. Furthermore, please state anything else the filing LSE believes is necessary for a full and complete reporting to the Commission in order to allow an informed decision on compliance. This may include, for example, footnotes and other explanatory information as necessary and reasonable.

#### ACCOUNTING TAB

13. Begin by entering the relevant data for Lines 1-3, this will calculate the LSE's Baseline Procurement Amount. Enter actual and forecasted sales figures to generate Incremental Procurement Targets (IPTs) and Annual Procurement Targets (APTs).
14. In deficit years, the spreadsheet calculates what portion of the deficit is eligible for IPT deferral and earmarking. The user records how they elect to treat the deficit(s) in the relevant sections, including using surplus procurement. The spreadsheet calculates the allowable

IPT deferral and Earmarking amount through 2020.

**EARMARKING DETAIL TAB**

15. Enter information for contracts that are eligible for earmarking and are being used for flexible compliance purposes. Data populates the earmarking section in the "Accounting" tab. LSEs should include power purchase agreements used for earmarking with their compliance filings, so Energy Division may verify eligibility.

**PROCUREMENT DETAIL TAB**

16. Procurement Summary: *Total RPS Eligible Procurement* is differentiated by three categories, *existing and or signed contracts*, *short-listed/under negotiation/pending approval*, and *generic future contracts*. This section is populated by completing the Contract Detail section below. If the LSE has entered into contracts that are short-term or with existing facilities but cannot meet its Annual Minimum Contracting Requirement, then deliveries from those contracts may not be used for compliance in any year (D.07-05-028).

> *Annual Contracting Quota Requirement*: LSEs must enter into long-term contracts or contracts with new facilities for energy deliveries equivalent to at least 0.25% of that LSE's prior years' retail sales, if it intends to use deliveries from short-term contracts and/or existing facilities, for RPS compliance purposes. LSEs must submit supporting documentation proving that the requirement has been met (i.e. a power purchase agreement for a long-term and/or new contract).

- Contracts are differentiated by Contract term-length and type (row 15:16). All deliveries from "long-term and/or new" are automatically entered into "Cumulative Surplus Contracting Quota Bank" (row 19) and the user must input the MWh in row 18 that the LSE needs to comply with the Annual Contracting Quota Requirement, if necessary.

17. RPS Eligible Procurement by Resource Type: This report must state the amount procured or projected to be procured from each resource type (D.05-07-039, Appendix A, D.06-10-050, page 47-48). This information is reported in rows 25-38 in the "Procurement Detail" tab and populated by completing the "Contract Detail" section.

18. Contract Detail: For each contract, enter actual and forecasted delivery data throughout the contract term. Do not assume that an expiring contract will be renegotiated.

> *Pre-2002 Contracts*: Input total annual deliveries by resource type

> *2002-Present years' Contracts*: List contracts by name, annual deliveries (MWh), project status, facility status and resource type.

> *2005-Present years' Contracts*: In addition to the requirements above, contracts from these years should be identified by term-length, short-term (less than 10 years) and long-term, as well as, by type, existing or new (defined below). For 2005 and 2006 contracts that were signed prior to 2007 can be identified as "n/a" for this purpose (refer to Column "X").

- *"Contract Length / Type"* (Column "X") Pursuant to D.07-05-028, starting in 2007, each RPS-obligated LSE must, in order to be able to count for any RPS compliance purpose energy deliveries from contracts of less than 10 years' duration ("short-term") with RPS-eligible facilities that commenced commercial operation prior to January 1, 2005 ("existing facilities"), in each calendar year enter into contracts with facilities of at least 10 years' duration ("long-term") and/or short-term contracts with facilities that commenced commercial operation on or after January 1, 2005 ("new facilities") for energy deliveries equivalent to at least 0.25% of that LSE's prior year's retail sales ("minimum quantity").

- *"Contract Volume"* (Column "Y") Input the total annual MWh as identified in the contract. Compliance with the minimum quota requirement is measured by contracted-for-energy, not deliveries.

> *"Generic Future Contracts"*: Input total forecasted annual deliveries by resource type

> *"Expired Contracts"*: Any contract expiring prior to 2020 should be listed in this section. User should identify expired contract by name and input annual deliveries (MWh) in the first year the contract is no longer delivering for the LSE (per existing contract) and in every year thereafter. For example, if a contract with annual deliveries of 10,000 MWh expired 12/31/2007, user should enter 10,000 MWh in 2008 and in every year thereafter. If this same contract expired 6/30/2007, user should enter 5,000 MWh in 2007 and 10,000 in every year thereafter. If an expired or expiring contract is re-signed, remove contract information from "Expired Contracts" section and enter it under the appropriate contracting year, as you would for any other contract.

19. In the "Contract Status" column, "short-listed and/or under negotiation" is an option; use the short-listed option only for projects for which the IOU has a high level of confidence that a contract will be executed.

20. If any procurement data for a specific contract differs from what is entered into the CEC-RPS-Track form for that year, the specific cell should be highlighted and the discrepancy should be explained.

**Spreadsheet user notes**

> Protecting confidential data: Individual cells may be formatted black, which will serve to redact info when excel file is converted to pdf. Select cell - click on "fill color" icon - choose black. Note: Once converted to pdf, additional steps are necessary to ensure redacted data is not accessible.

> Adding and/or deleting rows. The "Earmarking Detail" tab and "Procurement Detail" tab allow user add to or delete rows. Within the desired section, highlight entire row(s) by selecting the excel row number(s) - right click and select "copy" - right click again and select "insert copied cells"

**RPS Compliance Report: Summary**

<b>Bear Valley Electric Service U-913-E</b>	<b>2007</b>
Revised 27-Apr-09	

<b>RPS Summary Report</b>	<b>MWh</b>	<b>%</b>
Prior Year Total Retail Sales	141,235	
Annual Procurement Target (APT)	6,708	4.7%
Total RPS Eligible Procurement	0	0.0%
Annual Procurement Surplus/(Deficit)	(6,708)	
Adjusted Procurement Percentage*		3.9%

\* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

<b>RPS Eligible Procurement</b>	<b>MWh</b>	<b>%</b>
Biomass	0	0.0%
Digester Gas	0	0.0%
Biodiesel	0	0.0%
Landfill Gas	0	0.0%
Muni Solid Waste	0	0.0%
<i>Biopower Subtotal</i>	0	0.0%
Geothermal	0	0.0%
Small Hydro	0	0.0%
Conduit Hydro	0	0.0%
Solar PV	0	0.0%
Solar Thermal	0	0.0%
Wind	0	0.0%
Ocean/Tidal	0	0.0%
Fuel Cells	0	0.0%
<b>Total RPS Eligible Procurement</b>	<b>0</b>	<b>0.0%</b>

<b>Flexible Compliance</b>	<b>MWh</b>
IPT Deferral	5,439
Earmarking	0
Banked Procurement Applied	0
<b>Total Flexible Compliance</b>	<b>5,439</b>

<b>Deficits and Penalties</b>	<b>2007</b>
Preliminary Procurement (Deficit)	(6,708)
Adjusted Annual Procurement Deficit	(6,708)
Adjusted Deficit Deferred	5,439
Potential Penalty	\$335,411
Current Penalty (with flexible compliance)	\$63,461

\*\* Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

☒ Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

- Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a)(2)(C)(ii).)

[ Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferral promotes ratepayer interests and RPS objectives, Showing of good cause, Insufficient transmission]

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in Earmarking Detail and Procurement Detail tabs.

**RPS Compliance Report: Summary**

<b>Bear Valley Electric Service U-913-E</b>	<b>2008</b>
Revised 27-Apr-09	

<b>RPS Summary Report</b>	<b>MWh</b>	<b>%</b>
Prior Year Total Retail Sales	140,441	
Annual Procurement Target (APT)	8,113	5.8%
Total RPS Eligible Procurement	0	0.0%
Annual Procurement Surplus/(Deficit)	(8,113)	
Adjusted Procurement Percentage*		0.2%

\* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

<b>RPS Eligible Procurement</b>	<b>MWh</b>	<b>%</b>
Biomass	0	0.0%
Digester Gas	0	0.0%
Biodiesel	0	0.0%
Landfill Gas	0	0.0%
Muni Solid Waste	0	0.0%
<i>Biopower Subtotal</i>	0	0.0%
Geothermal	0	0.0%
Small Hydro	0	0.0%
Conduit Hydro	0	0.0%
Solar PV	0	0.0%
Solar Thermal	0	0.0%
Wind	0	0.0%
Ocean/Tidal	0	0.0%
Fuel Cells	0	0.0%
<b>Total RPS Eligible Procurement</b>	<b>0</b>	<b>0.0%</b>

<b>Flexible Compliance</b>	<b>MWh</b>
IPT Deferral	351
Earmarking	0
Banked Procurement Applied	0
<b>Total Flexible Compliance</b>	<b>351</b>

<b>Deficits and Penalties</b>	<b>2007</b>
Preliminary Procurement (Deficit)	(8,113)
Adjusted Annual Procurement Deficit	(8,113)
Adjusted Deficit Deferred	351
Potential Penalty	\$405,631
Current Penalty (with flexible compliance)	\$388,081

\*\* Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

☒ Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

- Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a))

[ Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferr

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in Earmarking Detail and Procurement Detail tabs.

## RPS Compliance Report: Accounting

Bear Valley Electric Service U-913-E

Revised 27-Apr-09

Line#	RPS Baseline Calculation	(MWh)
1	2001 Total California Retail Sales	126,911
2	2001 RPS Eligible Procurement	0
3	2003 Total Retail Sales	132,850
4	2003 Baseline Procurement Amount	1,269

	Input Required
	Forecasted Data
	Actual Data

		Actual						Forecast		
RPS Procurement and Targets (MWh)		2003	2004	2005	2006	2007	2008	2009	2010	2011
5	Bundled Retail Sales	132,850	135,759	134,066	141,235	140,441	137,358	137,358	137,358	137,358
6	Total RPS Eligible Procurement	0	0	0	0	0	0	0	36,000	40,000
7	Annual Procurement Target (APT)	1,269	N/A	N/A	N/A	6,708	8,113	9,486	27,472	27,472
8	Incremental Procurement Target (IPT)	N/A	1,329	1,358	1,341	1,412	1,404	1,374	17,985	0
9	Preliminary Procurement Surplus/(Deficit)	N/A	N/A	N/A	N/A	(6,708)	(8,113)	(9,486)	8,528	12,528
10	APT Percentage	N/A	N/A	N/A	N/A	4.7%	5.8%	6.9%	20.0%	20.0%
11	Actual Procurement Percentage	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	26.2%	29.1%
12	Adjusted Procurement Percentage*	N/A	N/A	N/A	N/A	3.9%	0.2%	0.2%	26.2%	29.1%

		Actual						Forecast		
Flexible Compliance - IPT Deferral		2003	2004	2005	2006	2007	2008	2009	2010	2011
13	Maximum Deficit Eligible for Deferral	N/A	N/A	N/A	N/A	5,439	351	343	0	0
14	Deficit being Carried Forward to Year + 1	N/A	N/A	N/A	N/A	0	0	343	0	0
15	Deficit being Carried Forward to Year + 2	N/A	N/A	N/A	N/A	0	0	0	0	0
16	Deficit being Carried Forward to Year + 3	N/A	N/A	N/A	N/A	5,439	351	0	0	0
17	Total Current Year Deficit (≤ 25% IPT) Carried Forward	N/A	N/A	N/A	N/A	5,439	351	343	0	0
18	Remaining Deficit from Year - 1 to Be Filled in Current Year	N/A	N/A	N/A	N/A	N/A	0	0	(343)	0
19	Remaining Deficit from Year - 2 to Be Filled in Current Year	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
20	Remaining Deficit from Year - 3 to Be Filled in Current Year	N/A	N/A	N/A	N/A	N/A	N/A	N/A	(5,439)	(351)
21	Total Prior Year IPT Deficits That Must Be Filled This Year	N/A	N/A	N/A	0	0	0	0	(5,782)	(351)
22	Current Year Surplus Procurement Applied to Year - 1 Deficit	N/A	N/A	N/A	N/A	N/A	0	0	0	0
23	Current Year Surplus Procurement Applied to Year - 2 Deficit	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
24	Current Year Surplus Procurement Applied to Year - 3 Deficit	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0
25	Total Deliveries Applied to Prior Year IPT Deficits	N/A	N/A	N/A	N/A	N/A	0	0	0	0

		Actual						Forecast		
Flexible Compliance - Earmarking		2003	2004	2005	2006	2007	2008	2009	2010	2011
26	Portion of Current Year Deficit Eligible for Earmarking	N/A	N/A	N/A	N/A	6,355	7,762	9,143	0	0
27	Future Deliveries Earmarked from Year + 1	N/A	N/A	N/A	N/A	0	0	0	0	0
28	Future Deliveries Earmarked from Year + 2	N/A	N/A	N/A	N/A	0	0	0	0	0
29	Future Deliveries Earmarked from Year + 3	N/A	N/A	N/A	N/A	0	0	0	0	0
30	Total Projected Procurement Earmarked to Current Year	N/A	N/A	N/A	N/A	0	0	0	0	0
31	Current Year Deliveries Earmarked to Year - 1	N/A	N/A	N/A	N/A	N/A	0	0	0	0
32	Current Year Deliveries Earmarked to Year - 2	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
33	Current Year Deliveries Earmarked to Year - 3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0
34	Total Deliveries Earmarked to Prior Year Earmarked Deficits	N/A	N/A	N/A	N/A	N/A	0	0	0	0

		Actual						Forecast		
Surplus Procurement Bank		2003	2004	2005	2006	2007	2008	2009	2010	2011
35	Surplus Procurement Bank Balance as of Prior Year	0	0	0	0	0	0	0	0	8,528
36	Application of Banked Surplus Procurement to Current Year Deficit									
37	Adjusted Current Year Annual Surplus Procurement	0	0	0	0	0	0	0	8,528	12,528
38	Cumulative Surplus Procurement Bank Balance	0	0	0	0	0	0	0	8,528	21,057

		Actual						Forecast		
Adjusted Deficit		2003	2004	2005	2006	2007	2008	2009	2010	2011



## RPS COMPLIANCE REPORT - March 2009

39	Adjusted Annual Procurement Deficit	N/A	N/A	N/A	N/A	(6,708)	(8,113)	(9,486)	0	0
40	Adjusted Deficit Deferred	N/A	N/A	N/A	N/A	5,439	351	343	0	0
41	<b>Potential Penalty</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$335,411</b>	<b>\$405,631</b>			
42	<b>Current Penalty</b> (with flexible compliance)	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$63,461</b>	<b>\$388,081</b>			

## RPS Compliance Report: Earmarking Detail


Input Required  
Forecasted Data  
Actual Data

Bear Valley Electric Service U-913-E  
Revised 27-Apr-09

		Actual				Forecast		
Total Annual Earmarked Generation (MWh)		2005	2006	2007	2008	2009	2010	2011
	Contracted Generation	0	0	0	0	0	0	0
	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	N/A	0	0	0	0
	Allocated to Year - 2	N/A	N/A	N/A	N/A	0	0	0
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A	0	0

Contract Name	Contracted Generation							
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	N/A				
	Allocated to Year - 2	N/A	N/A	N/A	N/A		0	
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A	0	
Contract Name	Contracted Generation							
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	N/A				
	Allocated to Year - 2	N/A	N/A	N/A	N/A			
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A		
Contract Name	Contracted Generation							
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	N/A				
	Allocated to Year - 2	N/A	N/A	N/A	N/A			
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A		
Contract Name	Contracted Generation							
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	N/A				
	Allocated to Year - 2	N/A	N/A	N/A	N/A			
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A		
Contract Name	Contracted Generation							
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	N/A				
	Allocated to Year - 2	N/A	N/A	N/A	N/A			
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A		
Contract Name	Contracted Generation							
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	N/A				
	Allocated to Year - 2	N/A	N/A	N/A	N/A			
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A		
Contract Name	Contracted Generation							
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	N/A				
	Allocated to Year - 2	N/A	N/A	N/A	N/A			
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A		
Contract Name	Contracted Generation							
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	N/A				
	Allocated to Year - 2	N/A	N/A	N/A	N/A			
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A		
Contract Name	Contracted Generation							
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	N/A				
	Allocated to Year - 2	N/A	N/A	N/A	N/A			
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A		

## RPS Compliance Report: Procurement Detail



Input Required  
Forecasted Data  
Actual Data

Bear Valley Electric Service U-913-E  
Revised 27-Apr-09

Procurement Summary	Actual MWh						Forecast MWh		
	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total RPS-Eligible Procurement	0	0	0	0	0	0	0	36,000	40,000
Existing and/or Signed Contracts	0	0	0	0	0	0	0	0	0
Short-listed/Under Negotiation/Pending Approval	0	0	0	0	0	0	0	0	0
Generic Future Contracts	0	0	0	0	0	0	31,000	36,000	40,000
Annual Contracting Quota Requirement	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RPS Contracts - long-term and/or new facilities	N/A	N/A	N/A	N/A	0	0	0	N/A	N/A
RPS Contracts - short-term with existing facilities	N/A	N/A	N/A	N/A	0	0	0		
Surplus Contracting Quota Bank as of Prior Year	N/A	N/A	N/A	N/A	0	0	0		
Current Year / Banked MWh Applied to Annual Quota	N/A	N/A	N/A	N/A	0	0	0		
Cumulative Surplus Contracting Quota Bank	N/A	N/A	N/A	N/A	0	0	0		
Minimum Annual Contracting Quota Shortfall	N/A	N/A	N/A	N/A	N/A	N/A	N/A		

RPS-Eligible Procurement By Resource Type										
	2003	2004	2005	2006	2007	2008	2009	2010	2011	
Biomass	0	0	0	0	0	0	26,000	26,000	26,000	
Digester Gas	0	0	0	0	0	0	5,000	10,000	14,000	
Biodiesel	0	0	0	0	0	0	0	0	0	
Landfill Gas	0	0	0	0	0	0	0	0	0	
Muni Solid Waste	0	0	0	0	0	0	0	0	0	
Geothermal	0	0	0	0	0	0	31,000	36,000	40,000	
Small Hydro	0	0	0	0	0	0	0	0	0	
Conduit Hydro	0	0	0	0	0	0	0	0	0	
Solar PV	0	0	0	0	0	0	0	0	0	
Solar Thermal	0	0	0	0	0	0	0	0	0	
Wind	0	0	0	0	0	0	0	0	0	
Ocean/Tidal	0	0	0	0	0	0	0	0	0	
Fuel Cells	0	0	0	0	0	0	0	0	0	

Contract Detail	2003	2004	2005	2006	2007	2008	2009	2010	2011	Contract Status	Facility Status	Resource Type
Pre-2002 Contracts	0	0	0	0	0	0	0	0	0			
Biomass	0	0	0	0	0	0	0	0	0			Biomass
Digester Gas	0	0	0	0	0	0	0	0	0			Digester Gas
Biodiesel	0	0	0	0	0	0	0	0	0			Biodiesel
Landfill Gas	0	0	0	0	0	0	0	0	0			Landfill Gas
Muni Solid Waste	0	0	0	0	0	0	0	0	0			Muni Solid Waste
Geothermal	0	0	0	0	0	0	0	0	0			Geothermal
Small Hydro	0	0	0	0	0	0	0	0	0			Small Hydro
Conduit Hydro	0	0	0	0	0	0	0	0	0			Conduit Hydro
Solar PV	0	0	0	0	0	0	0	0	0			Solar PV
Solar Thermal	0	0	0	0	0	0	0	0	0			Solar Thermal
Wind	0	0	0	0	0	0	0	0	0			Wind
Ocean/Tidal	0	0	0	0	0	0	0	0	0			Ocean/Tidal
Fuel Cells	0	0	0	0	0	0	0	0	0			Fuel Cells
2002 Contracts	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
2003 Contracts	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
2004 Contracts	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
2005 Contracts	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
2006 Contracts	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
2007 Contracts	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
2008 Contracts	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
2009 Contracts	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
Generic Future Contracts	0	0	0	0	0	0	31,000	36,000	40,000	Active		
Generic Biomass	0	0	0	0	0	0	26,000	26,000	26,000			Biomass
Generic Digester Gas	0	0	0	0	0	0	5,000	10,000	14,000			Digester Gas
Generic Biodiesel	0	0	0	0	0	0	0	0	0			Biodiesel
Generic Landfill Gas	0	0	0	0	0	0	0	0	0			Landfill Gas
Generic Muni Solid Waste	0	0	0	0	0	0	0	0	0			Muni Solid Waste
Generic Geothermal	0	0	0	0	0	0	0	0	0			Geothermal
General Small Hydro	0	0	0	0	0	0	0	0	0			Small Hydro
General Conduit Hydro	0	0	0	0	0	0	0	0	0			Conduit Hydro
General Solar PV	0	0	0	0	0	0	0	0	0			Solar PV
General Solar Thermal	0	0	0	0	0	0	0	0	0			Solar Thermal
General Wind	0	0	0	0	0	0	0	0	0			Wind
General Ocean/Tidal	0	0	0	0	0	0	0	0	0			Ocean/Tidal
General Fuel Cells	0	0	0	0	0	0	0	0	0			Fuel Cells
Expired Contracts/Contracts Expiring Before 2020	0	0	0	0	0	0	0	0	0	Active		
Contract Name	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			
Contract Name	0	0	0	0	0	0	0	0	0			

**Minimum Contracting Requirement**  
Starting in 2007, RPS-obligated LSEs must, in each calendar year, enter into long-term contracts and/or short-term contracts with new facilities for energy deliveries equivalent to at least 0.25% of that LSE's prior year's retail sales ("minimum quantity") in order to be able to count energy deliveries from short-term contracts with existing RPS-eligible facilities, for any RPS compliance purpose. (D.07-05-028, R.06-02-012)

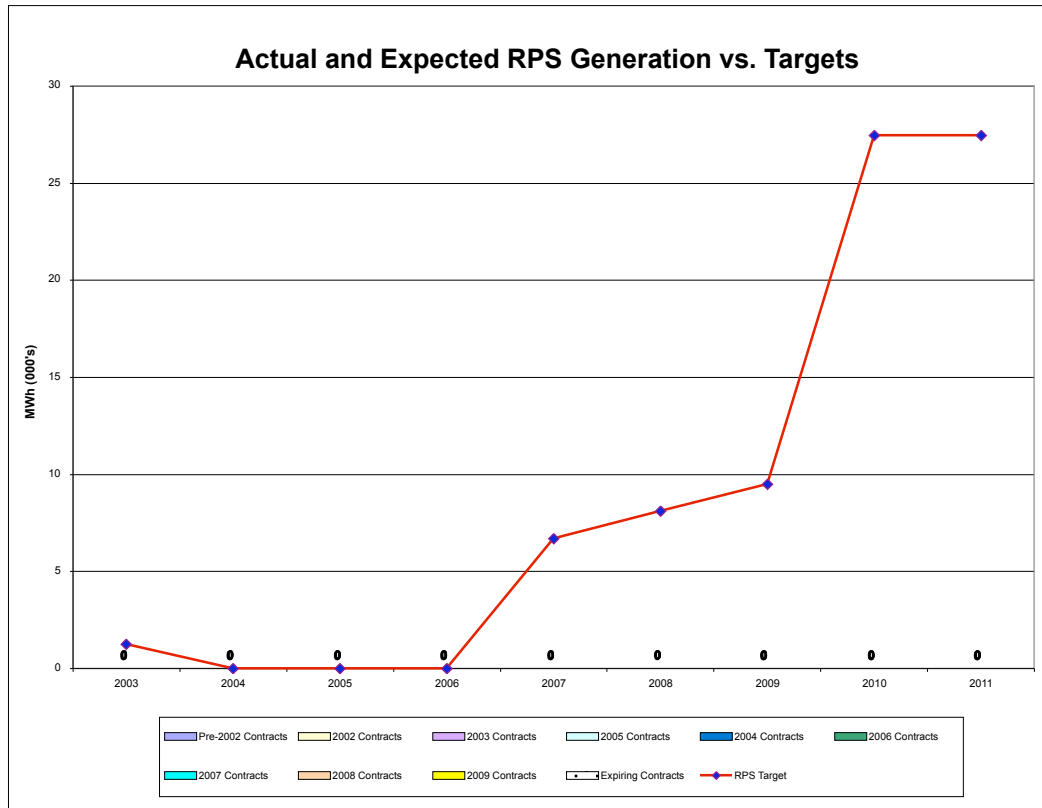
**Contract Term Definitions**  
- Long-term contract: At least 10 years' duration  
- Short-term contract: Less than 10 years' duration  
- New Facility: Commenced commercial operation on or after January 1, 2005  
- Existing Facility: Commenced commercial operation prior to January 1, 2005

## RPS Compliance Report: Performance Chart

Bear Valley Electric Service U-913-E

Revised 27-Apr-09

RPS Procurement and Targets (MWh)	Actual MWh						Forecast MWh		
	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total Retail Sales	132,850	135,759	134,066	141,235	140,441	137,358	137,358	137,358	137,358
Actual RPS Procurement %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	26.2%	29.1%
IPT	N/A	1,329	1,358	1,341	1,412	1,404	1,374	17,985	0
APT % (Baseline for 2003)	N/A	N/A	N/A	N/A	4.7%	5.8%	6.9%	20.0%	20.0%
APT as MWh Amount	N/A	N/A	N/A	N/A	6,708	8,113	9,486	27,472	27,472
Preliminary Surplus/(Deficit)	N/A	N/A	N/A	N/A	(6,708)	(8,113)	(9,486)	8,528	12,528



## RPS Compliance Report: Calculations

RPS Baseline Inputs (MWh)		
Line#	Calculation	Notes
<a href="#">1</a>	User supplied data	Pursuant to D.07-03-046, the <b>2003 Initial Baseline Procurement Amount</b> for the investor owned utilities (IOUs) is calculated using the following equation:
<a href="#">2</a>	User supplied data	
<a href="#">3</a>	User supplied data	$\frac{\text{2001 RPS Eligible Procurement}}{\text{2001 Total Retail Sales}} \times \text{2003 Total Retail Sales} + 1\% \text{ of 2001 Total Retail Sales}$
<a href="#">4</a>	Baseline formula =	

RPS Procurement and Targets (MWh)		
Line#	Calculation	Notes
<a href="#">5</a>	User supplied data	Annual Retail Sales
<a href="#">6</a>	Data from "Procurement Detail" tab	In current and past years, this line should equal Total RPS Eligible Procurement in procurement detail tab.
<a href="#">7</a>	Prior year Line 7 + Line 8	
<a href="#">8</a>	1% of line 5 {Y-1}	
<a href="#">9</a>	Line 6 - Line 7	
<a href="#">10</a>	Line 7 / Line 5 {Y-1}	In 2003, 2003 RPS procurement is divided by 2001 retail sales rather than 2002 retail sales.
<a href="#">11</a>	Line 6 / Line 5 {Y-1}	
<a href="#">12</a>	(Line 6 + Line 17 + Line 25 + Line 30 + Line 34 + Line 36) / Line 5 {Y-1}	RPS procurement percentage after applying flexible compliance, assuming all allowable planned deliveries come online as planned.

Flexible Compliance - IPT Deferral		
Line#	Calculation	Notes
<a href="#">13</a>	Up to 0.25% of Prior Year Retail Sales	In 2007, 100% of the IPT can be deferred for up to 3 years without explanation.
<a href="#">14-16</a>	User supplied data	Current year deficit carried forward. Warning if cell value is greater than Line 13.
<a href="#">17</a>	Sum of Lines 14-16	
<a href="#">18-20</a>	Record of Lines 14-16	Deferred IPT obligations due in current year.
<a href="#">21</a>	Sum of Lines 18-20	Total deferred IPT obligations due in current year
<a href="#">22-24</a>	User supplied data	Past year IPT obligations retired with current year surplus procurement. Per accounting rules D. 06-10-050, Attachment A, page 9-10, current year deliveries may only be applied to past year IPT deficits after earmarked deliveries have been subtracted, and after any deliveries needed to meet current year APT have also been subtracted (D.03-06-071), Conclusion of Law 25).
<a href="#">25</a>	Sum of Lines 22-24	Total current year surplus applied to prior year IPT obligations due in current year

Flexible Compliance - Earmarking		
Line#	Calculation	Notes
<a href="#">26</a>	Line 9 + Line 13 + Line 34	Portion of current year deficit greater than allowable IPT Deferral
<a href="#">27-29</a>	Data from "Earmarking Detail" tab	User supplied data from "planned" column in respective year
<a href="#">30</a>	Sum of Lines 27-29	
<a href="#">31-33</a>	Data from "Earmarking Detail" tab	User supplied data. Current year deliveries may only be applied to past year deficits which have been deferred by earmarking, after current year APT has been met (D.03-06-071), Conclusion of Law 25).
<a href="#">34</a>	Sum of Lines 31-33	Total current year surplus subtracted to meet prior years Earmarking obligations due in current year

Surplus Procurement Bank		
Line#	Calculation	Notes
<a href="#">35</a>	Line 38 {Y-1}	Current year surplus procurement less any prior year IPT obligations and/or Earmarking obligations
<a href="#">36</a>	User supplied data	
<a href="#">37</a>	Line 9+ Line 25 + Line 34	
<a href="#">38</a>	Sum of Lines 35-37	

Adjusted Deficit		
Line#	Calculation	Notes
<a href="#">39</a>	Line 9 + balance of IPT obligations after 3 years + balance of Earmarking obligations after 3 years	In any current year, the adjusted annual procurement deficit is the LSE's annual deficit less any deliveries used to meet IPT or Earmarking obligations for prior years deficits. Any portion of adjusted annual procurement deficit that remains after the following three years is subject to penalty.
<a href="#">40</a>	Balance of IPT obligations after 3 years + balance of Earmarking obligations after 3	In any current year, the adjusted deficit temporarily excused is the sum of IPT deferral and Earmarked deliveries (line 17+ line 30). Any portion of line 40 remaining after 3 years will be reflected in line 39 and subject to penalty.
<a href="#">41</a>	Line 39 * \$50.0	Per accounting rules, LSEs must list penalty based the size of on adjusted annual procurement deficit, even if allowable reasons are being given for why the penalty is not yet due and payable. Penalties are assessed at \$0.05/kWh deficit.
<a href="#">42</a>	(Line 39 + 40) * \$50.0	LSE's have the opportunity to make up annual procurement deficits through existing flexible compliance rules. Accordingly, if an LSE has a deficit in year 1, and is able to fully exercise flexible compliance mechanisms, the penalty for year 1 compliance may not apply.

## OFFICER VERIFICATION FORM

I am an officer of the reporting corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. The spreadsheet format used to file this compliance report has not been altered from the version issued or approved by Energy Division.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 27, 2009 at San Dimas, California.

(Date)

(Name of city)

/s/ Keith Switzer

Keith Switzer

Vice President of Regulatory Affairs

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue  
Implementation and Administration of  
California Renewables Portfolio Standard  
Program

Rulemaking 08-08-009  
(Filed August 21, 2008)

**RENEWABLE PORTFOLIO STANDARD COMPLIANCE REPORT  
SUBMITTED BY  
BEAR VALLEY ELECTRIC SERVICE,  
A DIVISION OF GOLDEN STATE WATER COMPANY (U 913-E)**

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March 13, 2009

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue  
Implementation and Administration of  
California Renewables Portfolio Standard  
Program

Rulemaking 08-08-009  
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**RENEWABLE PORTFOLIO STANDARD COMPLIANCE REPORT  
SUBMITTED BY  
BEAR VALLEY ELECTRIC SERVICE,  
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**I. INTRODUCTION**

A. Timely Filing Pursuant to Grant of Extension Under Rule 16.6.

Golden State Water Company, through its Bear Valley Electric Service division (BVES), hereby files this March 2009 Semi-Annual Compliance Report (Compliance Report) by March 13, 2009, in accordance with Executive Director Paul Clanon's grant of an extension of time to file, authorized by his letter of March 2, 2009 to Dennis W. De Cuir.

B. Any Apparent Penalty is Contested.

BVES submits its Compliance Report and this supplemental report for informational purposes only, with explanatory comments that demonstrate good cause for deferral of the RPS requirements in the interest of its ratepayers, and the waiver of any apparent penalties.

In the *Administrative Law Judge's Rule Granting Motion of Mountain Utilities for Reconsideration and Modification of March 12, 2007 Ruling on Reporting Format* in this proceeding (hereinafter MU Ruling), ALJ Mattson observed there that D.06-10-050 adopts a reporting methodology that applies to all LSEs.



“For the reasons stated in the March 12, 2007 ruling ‘SMJUs should now report what they are able to report.’” (p. 3.)

Mountain Utilities had expressed its concerns about facing potential penalties. In the MU Ruling, this concern was assuaged somewhat:

“Whether or not a reporting LSE states a penalty on a particular report, stating the penalty:

‘does not make the penalty due and payable. Rather, parties are correct that the LSE may identify one of the four conditions which permit deferral or temporary waiver. (D.03-07-071, pp. 50-51). Alternatively, the LSE may seek to demonstrate lack of effective competition, that deferral promotes ratepayer or program interests, or other good cause. (D.03-06-071, p. 53, D.03-12-065, p. 8)’  
(D.06-10-050, pp. 36-37.)

“A penalty is due and payable with any particular report only if the LSE does not contest the penalty. If contested, the penalty is due only after later agreement by the LSE, or a later final determination by the Commission.” (pp. 3-4.)

Accordingly, BVES contests the apparent penalties shown on the Compliance Report, such that they are not due and payable; furthermore, BVES requests that any penalties be waived and eliminated.

#### C. Good Cause Exists for Deferral of the RPS Requirement.

Similar to BVES’ past RFPs for renewable resources, the number of responses to its 2008 RFP was disappointing. There were only two responses. The two responses from the 2008 RFP are still being reviewed but, as proposed, appear to be either too expensive or not a good fit for the BVES portfolio. Additional opportunities to act upon short term renewable contracts were stymied due lack of clarity on the Commission’s stance on tradable RECs (TRECs) as well the overall timeframe involved in the CPUC approval process. Unlike BVES, market participants not under the Commission’s jurisdiction can act quickly to seize renewable resource contract opportunities. Owners

of renewable generation or unregulated marketers can close a renewable transaction with unregulated entities in short order, without the possibility of disapproval by this Commission, or the risks of time and money spent in the approval process. BVES respects the processes prescribed by the Commission, but those very processes can be regarded by developers as impediments. Furthermore, the small size of BVES makes it less attractive to producers and developers of renewable energy projects. A project becomes more competitively priced when there are economies of scale; the renewable resources needed by BVES do not allow for scale economies. BVES believes the small amount of renewable energy needed for RPS compliance, compared to the three large electrical corporations, restricts the number and type of projects with which it is presented.

It is equally clear that public goods funds are inadequate to cover the above-market costs BVES has seen in the proposals submitted to it over the last two rounds of RFPs. The provisions of R.4199 show inadequate funds for BVES. There is little reason for confidence given the rigid and somewhat confusing rules outlined in the resolution. The ratepayers have every reason to be concerned with this program, and the Commission should too.

The international financial crisis has also adversely affected renewable resource developers, drying up sources of credit and investment. In fact one of the candidate developers of a project presented to BVES was completely stalled for the greater part of the last twelve months due to the financial crisis, which hit its parent company early.

Deferral of the RPS requirements will promote the interests of the BVES ratepayers as well as help meet RPS goals when the field of renewable suppliers broadens and deepens, with improved and less expensive technology.

## **II. BACKGROUND INFORMATION ON BEAR VALLEY ELECTRIC SERVICE**

Golden State Water Company is an investor-owned utility that, through its Bear Valley Electric Service division, owns and operates an electric distribution utility system

that provides retail electric service to about 24,000 customers in a service area in the Big Bear Lake area of San Bernardino County, California. BVES provides electric service in a resort community, primarily to residential customers, but also to about 1,500 commercial, industrial, and public-authority customers, including two ski resorts. The summer peak load in its service area is about 23 MW, and the winter peak load is about 39 MW when snowmaking machines at the ski resorts are operating and tourist activity is high.

### **III. RENEWABLE COMPLIANCE FILING**

#### **A. This Compliance Report.**

This filing includes the following report: March 2009 Semi-Annual Compliance Report: Bear Valley Electric Service, which is attached. BVES is providing this Compliance Report as required in Commission orders using the revised spreadsheet provided by the Commission's Energy Division. The generation shown on the report is a fair estimate, but only an estimate, of the resources BVES may be able to procure by 2009 and going forward.

The renewable resources BVES identifies in this Compliance Report represent the best assessment of BVES at this time. The factors weighed in the assessment are subject to significant change over time. Related developments may affect the assessment BVES has made in preparing the Compliance Report as well. One prominent example would be the creation of an efficient, competitive market in TRECs for use in RPS compliance, a development that BVES continues to support.

#### **B. The Continuing Need for the Commission's Attention to the Special Requirements of Small and Multi-jurisdictional Utilities.**

BVES appreciates the Commission's careful attention to the special requirements of small and multi-jurisdictional utilities, as expressed in D.08-05-029. Still, as is evident in the spreadsheet filed today, small utilities such as BVES continue to be distracted from the main mission of developing a renewable portfolio by the intricacies of the RPS program, E.4199, and the spreadsheet developed for the compliance report. BVES also

appreciates the helpful attention and effort given by the Energy Division staff in revising the spreadsheet for small utilities. Yet we believe improvements could still be made to achieve the Commission's goal of reducing the focus on potential penalties.

C. There Remains an Anomaly In the Spreadsheet.

BVES staff has reported to the undersigned that the locked Compliance Report contains one anomaly that could not be fully understood or repaired. On the 2008 Summary, Deficits and Penalties should have year 2008 instead of 2007 in the cell.

**IV. CONCLUSION**

BVES has been actively committed to meeting the 20% RPS goal by 2010 but the prospects for success are looking dim. BVES continues to work diligently toward the negotiation of a small portfolio of renewable contracts.

Finally, as stated initially, BVES contests any apparent penalty and requests a prompt and complete waiver.

Dated: March 13, 2009

Respectfully submitted,

By /s/ Dennis W. De Cuir

Dennis W. De Cuir

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## CERTIFICATE OF SERVICE

I, Denise E. Lynch certify:

I am employed in the City of Roseville, County of Placer, California, am over eighteen years of age and am not a party to the within entitled cause. My business address is 2999 Douglas Boulevard, Suite 325, Roseville, California 95661.

On March 13, 2009, I caused the following to be served:

**RENEWABLE PORTFOLIO STANDARD COMPLIANCE REPORT  
SUBMITTED BY  
BEAR VALLEY ELECTRIC SERVICE,  
A DIVISION OF GOLDEN STATE WATER COMPANY (U 913-E)**

**INCLUDING THE**

**MARCH 2009 SEMI-ANNUAL COMPLIANCE REPORT  
PURSUANT TO THE CALIFORNIA RENEWABLES  
PORTFOLIO STANDARD**

via electronic mail to all parties on the service list R.08-08-009 who have provided the Commission with an electronic mail address and by First Class mail on the parties listed on the service list who have not provided an electronic mail address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on the date above at Roseville, California.

/s/ Denise E. Lynch

Denise E. Lynch

VIA FIRST CLASS MAIL

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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Continue  
Implementation and Administration of California  
Renewables Portfolio Standard Program.

Rulemaking 08-08-009  
(Filed August 21, 2008)

**Bear Valley Electric Service U-913-E**  
**MARCH 2009 SEMI-ANNUAL COMPLIANCE REPORT**  
**PURSUANT TO THE CALIFORNIA RENEWABLES PORTFOLIO**  
**STANDARD**

11-Mar-09

Name: Keith Switzer  
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## CALIFORNIA'S RENEWABLES PORTFOLIO STANDARD

### Reporting and Compliance Worksheet Instructions

1. California's RPS Program requires Investor Owned Utilities (IOU), Multi-Jurisdictional Utilities (MJU), Electric Service Providers (ESP), and Community Choice Aggregators (CCAs) to file a minimum of two reports each year illustrating performance within the program. Parties may refer to the November 20, 2008 Assigned Commissioner Ruling Addressing Process Issues Relative to RPS Compliance Reports for more information.
  - > The March 1 report (with updates after the California Energy Commission (CEC) verifies procurement, as needed) is used by the Commission to determine compliance for the prior year(s). This report states historic performance in the RPS program, current year targets and procurement data, and forecasts targets and procurement data for at least three years (Decision (D.) 06-10-050, page 45, 49).
  - > The August 1 report states historic performance in the RPS program, current year targets and procurement data, and forecasts targets and procurement levels for each year forward through 2020 (D.06-10-050, page 45, 51). The August report may be used by the Commission to make a final determination of compliance for the prior year(s).
2. Any load serving entity (LSE) seeking confidentiality protection should file a declaration. Confidentiality requests shall comply with the substantive and procedural rules set forth in D.06-06-066, as modified by D.08-04-023, the Commission's decision in its Confidentiality proceeding, Rulemaking (R.) 05-06-040, and any subsequent decisions issued in the same or successor proceeding. A declaration for confidentiality should include the identification of all redacted information by tab name and cell reference, not to be confused with the line numbers provided in the Accounting tab.
3. RPS compliance reports will be submitted to the Commission as specified below:
  - > Serve a public version on the service list in proceeding R.08-08-009. All pages must be legible. LSEs are responsible for maintaining confidentiality when serving a redacted report.
  - > File a confidential version with the Energy Division by e-mailing an electronic version to [ab1@cpuc.ca.gov](mailto:ab1@cpuc.ca.gov) and [svn@cpuc.ca.gov](mailto:svn@cpuc.ca.gov)
  - > Send paper copies (confidential and public) to each of the assigned Administrative Law Judges (ALJs):
 

Burton W. Mattson and Anne E. Simon  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102
4. Any questions regarding the completion and/or filing of this report can be directed to:  
Amy Baker, Energy Division, California Public Utilities Commission: [ab1@cpuc.ca.gov](mailto:ab1@cpuc.ca.gov), (415) 703-1691
5. Include the Title Page and fill out the following information:
  - > Name of the LSE filing the Report
  - > Date the Report is being filed
  - > Contact information
6. Complete the Officer Verification Form in the format provided (Rule 1.11)
7. Yellow cells throughout the spreadsheet indicate user supplied data by the LSE where and when applicable.
8. All data must be entered in MWh out to three decimal points to accurately account for retail sales, procurement and targets. The spreadsheet will display MWh throughout. Do not round any reporting data, as this may trigger some cells to turn red.
9. The spreadsheet included in this report has locked cells to ensure that targets, procurement and penalties are accurately calculated and reported from the data provided by the user. An unprotected version of the spreadsheet is also available by request.
10. Line #'s in the "Accounting" tab hyperlink to the "Calculations" tab, which provides additional information on the particular line item or section of the "Accounting" tab.

#### SUMMARY TAB

11. The "Summary" tab is linked to the "Accounting" tab and "Procurement Detail" tab, no data entry is required.
12. If the LSE determines that additional information is required in order to present a full and complete report, mark the box provided on the "Summary" tab. Any additional information should support the LSE's claim within the guidelines of the eight allowable reasons for noncompliance. Furthermore, please state anything else the filing LSE believes is necessary for a full and complete reporting to the Commission in order to allow an informed decision on compliance. This may include, for example, footnotes and other explanatory information as necessary and reasonable.

#### ACCOUNTING TAB

13. Begin by entering the relevant data for Lines 1-3, this will calculate the LSE's Baseline Procurement Amount. Enter actual and forecasted sales figures to generate Incremental Procurement Targets (IPTs) and Annual Procurement Targets (APTs).
14. In deficit years, the spreadsheet calculates what portion of the deficit is eligible for IPT deferral and earmarking. The user records how they elect to treat the deficit(s) in the relevant sections, including using surplus procurement. The spreadsheet calculates the allowable

IPT deferral and Earmarking amount through 2020.

**EARMARKING DETAIL TAB**

15. Enter information for contracts that are eligible for earmarking and are being used for flexible compliance purposes. Data populates the earmarking section in the "Accounting" tab. LSEs should include power purchase agreements used for earmarking with their compliance filings, so Energy Division may verify eligibility.

**PROCUREMENT DETAIL TAB**

16. Procurement Summary: *Total RPS Eligible Procurement* is differentiated by three categories, *existing and or signed contracts*, *short-listed/under negotiation/pending approval*, and *generic future contracts*. This section is populated by completing the Contract Detail section below. If the LSE has entered into contracts that are short-term or with existing facilities but cannot meet its Annual Minimum Contracting Requirement, then deliveries from those contracts may not be used for compliance in any year (D.07-05-028).

> *Annual Contracting Quota Requirement*: LSEs must enter into long-term contracts or contracts with new facilities for energy deliveries equivalent to at least 0.25% of that LSE's prior years' retail sales, if it intends to use deliveries from short-term contracts and/or existing facilities, for RPS compliance purposes. LSEs must submit supporting documentation proving that the requirement has been met (i.e. a power purchase agreement for a long-term and/or new contract).

- Contracts are differentiated by Contract term-length and type (row 15:16). All deliveries from "long-term and/or new" are automatically entered into "Cumulative Surplus Contracting Quota Bank" (row 19) and the user must input the MWh in row 18 that the LSE needs to comply with the Annual Contracting Quota Requirement, if necessary.

17. RPS Eligible Procurement by Resource Type: This report must state the amount procured or projected to be procured from each resource type (D.05-07-039, Appendix A, D.06-10-050, page 47-48). This information is reported in rows 25-38 in the "Procurement Detail" tab and populated by completing the "Contract Detail" section.

18. Contract Detail: For each contract, enter actual and forecasted delivery data throughout the contract term. Do not assume that an expiring contract will be renegotiated.

> *Pre-2002 Contracts*: Input total annual deliveries by resource type

> *2002-Present years' Contracts*: List contracts by name, annual deliveries (MWh), project status, facility status and resource type.

> *2005-Present years' Contracts*: In addition to the requirements above, contracts from these years should be identified by term-length, short-term (less than 10 years) and long-term, as well as, by type, existing or new (defined below). For 2005 and 2006 contracts that were signed prior to 2007 can be identified as "n/a" for this purpose (refer to Column "X").

- *"Contract Length / Type"* (Column "X") Pursuant to D.07-05-028, starting in 2007, each RPS-obligated LSE must, in order to be able to count for any RPS compliance purpose energy deliveries from contracts of less than 10 years' duration ("short-term") with RPS-eligible facilities that commenced commercial operation prior to January 1, 2005 ("existing facilities"), in each calendar year enter into contracts with facilities of at least 10 years' duration ("long-term") and/or short-term contracts with facilities that commenced commercial operation on or after January 1, 2005 ("new facilities") for energy deliveries equivalent to at least 0.25% of that LSE's prior year's retail sales ("minimum quantity").

- *"Contract Volume"* (Column "Y") Input the total annual MWh as identified in the contract. Compliance with the minimum quota requirement is measured by contracted-for-energy, not deliveries.

> *"Generic Future Contracts"*: Input total forecasted annual deliveries by resource type

> *"Expired Contracts"*: Any contract expiring prior to 2020 should be listed in this section. User should identify expired contract by name and input annual deliveries (MWh) in the first year the contract is no longer delivering for the LSE (per existing contract) and in every year thereafter. For example, if a contract with annual deliveries of 10,000 MWh expired 12/31/2007, user should enter 10,000 MWh in 2008 and in every year thereafter. If this same contract expired 6/30/2007, user should enter 5,000 MWh in 2007 and 10,000 in every year thereafter. If an expired or expiring contract is re-signed, remove contract information from "Expired Contracts" section and enter it under the appropriate contracting year, as you would for any other contract.

19. In the "Contract Status" column, "short-listed and/or under negotiation" is an option; use the short-listed option only for projects for which the IOU has a high level of confidence that a contract will be executed.

20. If any procurement data for a specific contract differs from what is entered into the CEC-RPS-Track form for that year, the specific cell should be highlighted and the discrepancy should be explained.

**Spreadsheet user notes**

> Protecting confidential data: Individual cells may be formatted black, which will serve to redact info when excel file is converted to pdf. Select cell - click on "fill color" icon - choose black. Note: Once converted to pdf, additional steps are necessary to ensure redacted data is not accessible.

> Adding and/or deleting rows. The "Earmarking Detail" tab and "Procurement Detail" tab allow user add to or delete rows. Within the desired section, highlight entire row(s) by selecting the excel row number(s) - right click and select "copy" - right click again and select "insert copied cells"

**RPS Compliance Report: Summary**

<b>Bear Valley Electric Service U-913-E</b>	<b>2007</b>
11-Mar-09	

<b>RPS Summary Report</b>	<b>MWh</b>	<b>%</b>
Prior Year Total Retail Sales	141,235	
Annual Procurement Target (APT)	6,708	4.7%
Total RPS Eligible Procurement	0	0.0%
Annual Procurement Surplus/(Deficit)	(6,708)	
Adjusted Procurement Percentage*		3.9%

\* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

<b>RPS Eligible Procurement</b>	<b>MWh</b>	<b>%</b>
Biomass	0	0.0%
Digester Gas	0	0.0%
Biodiesel	0	0.0%
Landfill Gas	0	0.0%
Muni Solid Waste	0	0.0%
<i>Biopower Subtotal</i>	0	0.0%
Geothermal	0	0.0%
Small Hydro	0	0.0%
Conduit Hydro	0	0.0%
Solar PV	0	0.0%
Solar Thermal	0	0.0%
Wind	0	0.0%
Ocean/Tidal	0	0.0%
Fuel Cells	0	0.0%
<b>Total RPS Eligible Procurement</b>	<b>0</b>	<b>0.0%</b>

<b>Flexible Compliance</b>	<b>MWh</b>
IPT Deferral	5,439
Earmarking	0
Banked Procurement Applied	0
<b>Total Flexible Compliance</b>	<b>5,439</b>

<b>Deficits and Penalties</b>	<b>2007</b>
Preliminary Procurement (Deficit)	(6,708)
Adjusted Annual Procurement Deficit	(6,708)
Adjusted Deficit Deferred	5,439
Potential Penalty	\$335,411
Current Penalty (with flexible compliance)	\$63,461

\*\* Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

☒ Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

- Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a)(2)(C)(ii).)

[ Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferral promotes ratepayer interests and RPS objectives, Showing of good cause, Insufficient transmission]

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in Earmarking Detail and Procurement Detail tabs.

**RPS Compliance Report: Summary**

<b>Bear Valley Electric Service U-913-E</b>	<b>2008</b>
11-Mar-09	

<b>RPS Summary Report</b>	<b>MWh</b>	<b>%</b>
Prior Year Total Retail Sales	140,441	
Annual Procurement Target (APT)	8,113	5.8%
Total RPS Eligible Procurement	0	0.0%
Annual Procurement Surplus/(Deficit)	(8,113)	
Adjusted Procurement Percentage*		5.8%

\* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

<b>RPS Eligible Procurement</b>	<b>MWh</b>	<b>%</b>
Biomass	0	0.0%
Digester Gas	0	0.0%
Biodiesel	0	0.0%
Landfill Gas	0	0.0%
Muni Solid Waste	0	0.0%
<i>Biopower Subtotal</i>	0	0.0%
Geothermal	0	0.0%
Small Hydro	0	0.0%
Conduit Hydro	0	0.0%
Solar PV	0	0.0%
Solar Thermal	0	0.0%
Wind	0	0.0%
Ocean/Tidal	0	0.0%
Fuel Cells	0	0.0%
<b>Total RPS Eligible Procurement</b>	<b>0</b>	<b>0.0%</b>

<b>Flexible Compliance</b>	<b>MWh</b>
IPT Deferral	8,113
Earmarking	0
Banked Procurement Applied	0
<b>Total Flexible Compliance</b>	<b>8,113</b>

<b>Deficits and Penalties</b>	<b>2007</b>
Preliminary Procurement (Deficit)	(8,113)
Adjusted Annual Procurement Deficit	(8,113)
Adjusted Deficit Deferred	8,113
Potential Penalty	\$405,631
Current Penalty (with flexible compliance)	\$19

\*\* Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

☒ Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

- Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a))

[ Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferr

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in Earmarking Detail and Procurement Detail tabs.

Line#	RPS Baseline Calculation	(MWh)
1	2001 Total California Retail Sales	126,911
2	2001 RPS Eligible Procurement	0
3	2003 Total Retail Sales	132,850
4	2003 Baseline Procurement Amount	1,269

Input Required	
Forecasted Data	
Actual Data	

[illegible]

		Actual						Forecast		
		2003	2004	2005	2006	2007	2008	2009	2010	2011
13	Flexible Compliance - IPT Deferral									
14	Maximum Deficit Eligible for Deferral	N/A	N/A	N/A	N/A	5,439	351	343	0	0
15	Deficit being Carried Forward to Year + 1	N/A	N/A	N/A	N/A	0	0	0	0	0
16	Deficit being Carried Forward to Year + 2	N/A	N/A	N/A	N/A	0	0	0	0	0
17	Deficit being Carried Forward to Year + 3	N/A	N/A	N/A	N/A	5,439	8,113	0	0	0
18	Total Current Year Deficit (525% IPT) Carried Forward	N/A	N/A	N/A	N/A	5,439	8,113	343	0	0
19	Remaining Deficit from Year - 1 to Be Filled in Current Year	N/A	N/A	N/A	N/A	N/A	0	0	(343)	0
20	Remaining Deficit from Year - 2 to Be Filled in Current Year	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
21	Remaining Deficit from Year - 3 to Be Filled in Current Year	N/A	N/A	N/A	N/A	N/A	N/A	0	(5,439)	(8,113)
22	Total Prior Year IPT Deficits That Must Be Filled This Year	N/A	N/A	N/A	0	0	0	0	(5,782)	(8,113)
23	Current Year Surplus Procurement Applied to Year - 1 Deficit	N/A	N/A	N/A	N/A	N/A	0	0	0	0
24	Current Year Surplus Procurement Applied to Year - 2 Deficit	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
25	Current Year Surplus Procurement Applied to Year - 3 Deficit	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
26	Total Deliveries Applied to Prior Year IPT Deficits	N/A	N/A	N/A	N/A	N/A	0	0	0	0

		Actual						Forecast		
		2003	2004	2005	2006	2007	2008	2009	2010	2011
	<b>Flexible Compliance - Earmarking</b>									
26	Portion of Current Year Deficit Eligible for Earmarking	N/A	N/A	N/A	N/A	6,355	7,762	9,143	0	0
27	Future Deliveries Earmarked from Year + 1	N/A	N/A	N/A	N/A	0	0	0	0	0
28	Future Deliveries Earmarked from Year + 2	N/A	N/A	N/A	N/A	0	0	0	0	0
29	Future Deliveries Earmarked from Year + 3	N/A	N/A	N/A	N/A	0	0	0	0	0
30	<b>Total Projected Procurement Earmarked to Current Year</b>	N/A	N/A	N/A	N/A	0	0	0	0	0
31	Current Year Deliveries Earmarked to Year - 1	N/A	N/A	N/A	N/A	N/A	0	0	0	0
32	Current Year Deliveries Earmarked to Year - 2	N/A	N/A	N/A	N/A	N/A	0	0	0	0
33	Current Year Deliveries Earmarked to Year - 3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0
34	<b>Total Deliveries Earmarked to Prior Year Earmarked Deficits</b>	N/A	N/A	N/A	N/A	N/A	0	0	0	0

[illegible][illegible]

39	Adjusted Annual Procurement Deficit	N/A	N/A	N/A	N/A	N/A	(6,708)	(8,113)	(9,486)	0	0
40	Adjusted Deficit Deferred	N/A	N/A	N/A	N/A	N/A	5,439	8,113	343	0	0
41	Potential Penalty	N/A	N/A	N/A	N/A	N/A	\$335,411	\$405,631			
42	Current Penalty (with flexible compliance)	N/A	N/A	N/A	N/A	N/A	\$63,461	\$19			



## RPS Compliance Report: Earmarking Detail


Input Required  
Forecasted Data  
Actual Data

Bear Valley Electric Service U-913-E  
11-Mar-09

Total Annual Earmarked Generation (MWh)	Actual			Forecast		
	2005	2006	2007	2008	2009	2010
Contracted Generation	0	0	0	0	0	0
Withdrawal from Current Year	0	0	0	0	0	0
Allocated to Year - 1	N/A	N/A	N/A	0	0	0
Allocated to Year - 2	N/A	N/A	N/A	N/A	0	0
Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A	0

Contract Name Eligible for [YEAR] deficit	Contracted Generation Withdrawal from Current Year Allocated to Year - 1 Allocated to Year - 2 Allocated to Year - 3	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 0 0 0
Contract Name Eligible for [YEAR] deficit	Contracted Generation Withdrawal from Current Year Allocated to Year - 1 Allocated to Year - 2 Allocated to Year - 3	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 0 0 0
Contract Name Eligible for [YEAR] deficit	Contracted Generation Withdrawal from Current Year Allocated to Year - 1 Allocated to Year - 2 Allocated to Year - 3	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 0 0 0
Contract Name Eligible for [YEAR] deficit	Contracted Generation Withdrawal from Current Year Allocated to Year - 1 Allocated to Year - 2 Allocated to Year - 3	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 0 0 0
Contract Name Eligible for [YEAR] deficit	Contracted Generation Withdrawal from Current Year Allocated to Year - 1 Allocated to Year - 2 Allocated to Year - 3	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 0 0 0
Contract Name Eligible for [YEAR] deficit	Contracted Generation Withdrawal from Current Year Allocated to Year - 1 Allocated to Year - 2 Allocated to Year - 3	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 0 0 0
Contract Name Eligible for [YEAR] deficit	Contracted Generation Withdrawal from Current Year Allocated to Year - 1 Allocated to Year - 2 Allocated to Year - 3	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 0 0 0
Contract Name Eligible for [YEAR] deficit	Contracted Generation Withdrawal from Current Year Allocated to Year - 1 Allocated to Year - 2 Allocated to Year - 3	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 0 0 0
Contract Name Eligible for [YEAR] deficit	Contracted Generation Withdrawal from Current Year Allocated to Year - 1 Allocated to Year - 2 Allocated to Year - 3	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 N/A N/A N/A	0 0 0 0

RPS COMPLIANCE REPORT - March 2009

	Allocated to Year - 2 Allocated to Year - 3	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A		
Contract Name	Contracted Generation								
Eligible for [YEAR] deficit	Withdrawal from Current Year								
	Allocated to Year - 1	0	0	0	0	0	0	0	0
	Allocated to Year - 2	N/A	N/A	N/A	N/A	N/A	N/A		
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A	N/A		
Contract Name	Contracted Generation								
Eligible for [YEAR] deficit	Withdrawal from Current Year								
	Allocated to Year - 1	0	0	0	0	0	0	0	0
	Allocated to Year - 2	N/A	N/A	N/A	N/A	N/A	N/A		
	Allocated to Year - 3	N/A	N/A	N/A	N/A	N/A	N/A		

## RPS Compliance Report: Procurement Detail

Bear Valley Electric Service U-913-E

11-Mar-09

**Input Required**

Forecasted Data

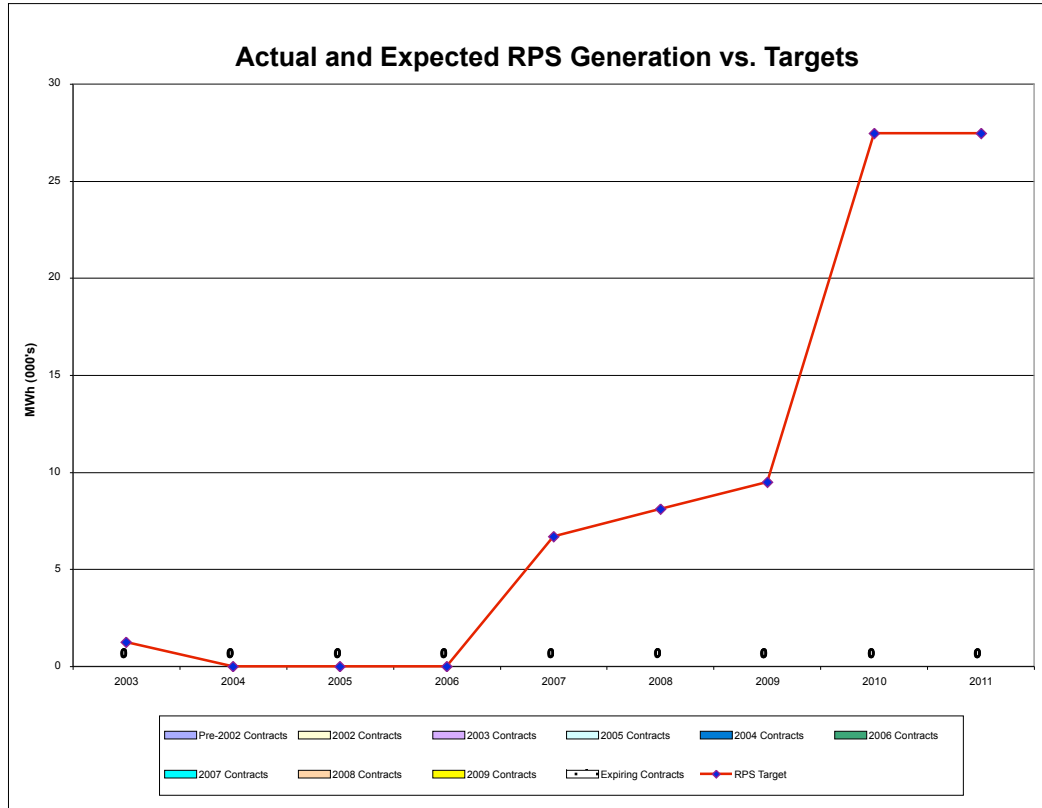
Input Required

[illegible]

## RPS Compliance Report: Performance Chart

Bear Valley Electric Service U-913-E  
11-Mar-09

RPS Procurement and Targets (MWh)	Actual MWh						Forecast MWh		
	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total Retail Sales	132,850	135,759	134,066	141,235	140,441	137,358	137,358	137,358	137,358
Actual RPS Procurement %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	26.2%	29.1%
IPT	N/A	1,329	1,358	1,341	1,412	1,404	1,374	17,985	0
APT % (Baseline for 2003)	N/A	N/A	N/A	N/A	4.7%	5.8%	6.9%	20.0%	20.0%
APT as MWh Amount	N/A	N/A	N/A	N/A	6,708	8,113	9,486	27,472	27,472
Preliminary Surplus/(Deficit)	N/A	N/A	N/A	N/A	(6,708)	(8,113)	(9,486)	8,528	12,528



## RPS Compliance Report: Calculations

RPS Baseline Inputs (MWh)		
Line#	Calculation	Notes
<a href="#">1</a>	User supplied data	Pursuant to D.07-03-046, the <b>2003 Initial Baseline Procurement Amount</b> for the investor owned utilities (IOUs) is calculated using the following equation:
<a href="#">2</a>	User supplied data	
<a href="#">3</a>	User supplied data	$\frac{\text{2001 RPS Eligible Procurement}}{\text{2001 Total Retail Sales}} \times \text{2003 Total Retail Sales} + 1\% \text{ of 2001 Total Retail Sales}$
<a href="#">4</a>	Baseline formula =	

RPS Procurement and Targets (MWh)		
Line#	Calculation	Notes
<a href="#">5</a>	User supplied data	Annual Retail Sales
<a href="#">6</a>	Data from "Procurement Detail" tab	In current and past years, this line should equal Total RPS Eligible Procurement in procurement detail tab.
<a href="#">7</a>	Prior year Line 7 + Line 8	
<a href="#">8</a>	1% of line 5 {Y-1}	
<a href="#">9</a>	Line 6 - Line 7	
<a href="#">10</a>	Line 7 / Line 5 {Y-1}	In 2003, 2003 RPS procurement is divided by 2001 retail sales rather than 2002 retail sales.
<a href="#">11</a>	Line 6 / Line 5 {Y-1}	
<a href="#">12</a>	(Line 6 + Line 17 + Line 25 + Line 30 + Line 34 + Line 36) / Line 5 {Y-1}	RPS procurement percentage after applying flexible compliance, assuming all allowable planned deliveries come online as planned.

Flexible Compliance - IPT Deferral		
Line#	Calculation	Notes
<a href="#">13</a>	Up to 0.25% of Prior Year Retail Sales	In 2007, 100% of the IPT can be deferred for up to 3 years without explanation.
<a href="#">14-16</a>	User supplied data	Current year deficit carried forward. Warning if cell value is greater than Line 13.
<a href="#">17</a>	Sum of Lines 14-16	
<a href="#">18-20</a>	Record of Lines 14-16	Deferred IPT obligations due in current year.
<a href="#">21</a>	Sum of Lines 18-20	Total deferred IPT obligations due in current year
<a href="#">22-24</a>	User supplied data	Past year IPT obligations retired with current year surplus procurement. Per accounting rules D. 06-10-050, Attachment A, page 9-10, current year deliveries may only be applied to past year IPT deficits after earmarked deliveries have been subtracted, and after any deliveries needed to meet current year APT have also been subtracted (D.03-06-071), Conclusion of Law 25).
<a href="#">25</a>	Sum of Lines 22-24	Total current year surplus applied to prior year IPT obligations due in current year

Flexible Compliance - Earmarking		
Line#	Calculation	Notes
<a href="#">26</a>	Line 9 + Line 13 + Line 34	Portion of current year deficit greater than allowable IPT Deferral
<a href="#">27-29</a>	Data from "Earmarking Detail" tab	User supplied data from "planned" column in respective year
<a href="#">30</a>	Sum of Lines 27-29	User supplied data. Current year deliveries may only be applied to past year deficits which have been deferred by earmarking, after current year APT has been met (D.03-06-071), Conclusion of Law 25).
<a href="#">31-33</a>	Data from "Earmarking Detail" tab	
<a href="#">34</a>	Sum of Lines 31-33	Total current year surplus subtracted to meet prior years Earmarking obligations due in current year

Surplus Procurement Bank		
Line#	Calculation	Notes
<a href="#">35</a>	Line 38 {Y-1}	Current year surplus procurement less any prior year IPT obligations and/or Earmarking obligations
<a href="#">36</a>	User supplied data	
<a href="#">37</a>	Line 9+ Line 25 + Line 34	
<a href="#">38</a>	Sum of Lines 35-37	

Adjusted Deficit		
Line#	Calculation	Notes
<a href="#">39</a>	Line 9 + balance of IPT obligations after 3 years + balance of Earmarking obligations after 3 years	In any current year, the adjusted annual procurement deficit is the LSE's annual deficit less any deliveries used to meet IPT or Earmarking obligations for prior years deficits. Any portion of adjusted annual procurement deficit that remains after the following three years is subject to penalty.
<a href="#">40</a>	Balance of IPT obligations after 3 years + balance of Earmarking obligations after 3	In any current year, the adjusted deficit temporarily excused is the sum of IPT deferral and Earmarked deliveries (line 17+ line 30). Any portion of line 40 remaining after 3 years will be reflected in line 39 and subject to penalty.
<a href="#">41</a>	Line 39 * \$50.0	Per accounting rules, LSEs must list penalty based the size of on adjusted annual procurement deficit, even if allowable reasons are being given for why the penalty is not yet due and payable. Penalties are assessed at \$0.05/kWh deficit.
<a href="#">42</a>	(Line 39 + 40) * \$50.0	LSE's have the opportunity to make up annual procurement deficits through existing flexible compliance rules. Accordingly, if an LSE has a deficit in year 1, and is able to fully exercise flexible compliance mechanisms, the penalty for year 1 compliance may not apply.

## OFFICER VERIFICATION FORM

I am an officer of the reporting corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. The spreadsheet format used to file this compliance report has not been altered from the version issued or approved by Energy Division.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 11, 2009 at San Dimas, California.

(Date)

(Name of city)

/s/ Keith Switzer

Keith Switzer

Vice President of Regulatory Affairs